

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CAMPBELL V. TRANSGENOMIC,  
INC., ET AL, Individually and on  
Behalf of All Others Similarly  
Situating,**

**Plaintiff,**

**v.**

**TRANSGENOMIC, INC., PAUL  
KINNON, ROBERT M. PATZIG,  
MYA THOMAE, MICHAEL A.  
LUTHER, and  
DOIT L. KOPPLER, II,**

**Defendants.**

**4:17CV3021**

**ORDER TO  
SHOW CAUSE**

This matter comes before the Court after a review of the court file and pursuant to NECivR [41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

The plaintiff filed the instant Complaint on February 17, 2017. (Filing No. 1). On March 3, 2017, the plaintiff filed Waivers of Service for each of the above-named defendants. (Filing Nos. 4, 5, 6, 7, 8, 9, and 10). Each of the executed waivers provides that each defendant must file and serve an answer or motion under Rule 12 within 60 days of March 2, 2017, the date when the request was sent, or 90 days if the waiver was sent outside the United States. There is no indication the waivers were sent outside the United States. The waivers notified each defendant that a failure to answer or respond would result in a default judgment.

More than 60-days has elapsed since the date the waiver requests were sent. To date, no defendant has filed any responsive pleading and the plaintiff has taken no other action against the defendants. It remains the plaintiff’s duty to go forward in prosecuting

this case. The plaintiff may, for example, seek entry of default pursuant or voluntarily dismiss the action, as appropriate. Under the circumstances, the plaintiff must make a showing of good cause for failure to prosecute the case or this action must be dismissed. Accordingly,

**IT IS ORDERED:**

Plaintiff has until May 31, 2017, to show cause why this case should not be dismissed for failure to prosecute or take some other appropriate action.

**DATED: May 15, 2017.**

**BY THE COURT:**

**s/ F.A. Gossett, III  
United States Magistrate Judge**